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 The seal of the Department of Natural Resources, Division of Mines, State of California, is centered in the background. It features a circular design with a mountain, a river, and a sun, surrounded by the text "DEPARTMENT OF NATURAL RESOURCES" and "DIVISION OF MINES". Below the seal, the text "VOLUME 14 NUMBER 2 FEBRUARY 1961" is printed.
 

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## MINERAL RIGHTS

... by F. Harold Weber jr.

The procedures for acquiring rights to enter lands in California and other western states, in order to prospect for and develop mineral resources, can involve substantial problems. These problems arise chiefly from the complex pattern of diverse ownership and administration of land which has evolved during the history of the United States. The problems of land entry that affect prospecting especially are acute today because exploration for the more valuable mineral resources must be done over broad areas, which commonly are of very diverse ownership, to take advantage of modern geologic knowledge and such prospecting techniques as geophysical surveys. Additional problems stem from competition for use of the land: in urban and suburban areas restrictions are placed on low-cost commodity operations, such as sand, gravel and stone; and in other parts of the state use of land for mineral development competes with such uses as recreation, water and power development, and military needs.

The purpose of this article is twofold: (1) to present a summary of the means for acquiring access to the various types of land in California for prospecting, mining, and recovery of petroleum; and (2) to give a brief historical review of land legislation and ownership as it has affected entry for exploration and development of mineral resources in the state.

### DETERMINATION OF STATUS AND OWNERSHIP OF LAND

Before any substantial mineral exploration program is undertaken it is imperative that the ownership status of the land involved is determined fully. Vast areas of mountainous and desert terrain in California may appear to comprise vacant, unappropriated and unreserved public lands (or public domain) and, there-

fore, to be open to unrestricted prospecting and location of claims under the mining laws of the United States. However, the actual status of such lands may be quite complex: many parts may be vacant, unappropriated and unreserved public lands; some parts may consist of state school sections which are subject to regulations requiring prospecting permits and are controlled by the leasing laws of the state; other parts may contain railroad lands, which are private; and so forth.

As of July 1, 1958 only about 16 percent of California consisted of vacant, unreserved public lands (including grazing districts) and nearly three-quarters of these lands were in San Bernardino, Inyo, and Riverside Counties (table 1). Seven counties—Alpine, Marin, Orange, San Francisco, San Mateo, San Joaquin and Sutter—contain no vacant, unreserved public lands. Thus it is easy to see the possibilities of wasting large sums of money, unless proper care is taken, in prospecting on lands that may be restricted or closed to entry for prospecting and mining by federal, state or even county governments, or are privately owned.

To determine the status and ownership of land, the prospector, miner, or petroleum explorer should do two things: (1) consult the best available maps to obtain the legal description and other aspects of land; and (2) consult the public land records of the United States Bureau of Land Management and the records of county assessors.

### Determination of legal description

The location of public lands and former public lands in most of the United States is described legally by means of a rectangular coordinate system of surveys named the "Public Land Survey" system. The system is tied to survey coordinates, which in